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FLOOR DEBATE

February 1, 2006 LB 293, 975

livestock feeding world of this state, there's a lot of apprehension. It's very expensive to put in the waste control facilities, and we have a lot of livestock producers that are talking, well, maybe this isn't worth it. The livestock industry is very important to this state, so for them, this is a very important bill. We try to comply with federal regulations, and I think in Nebraska we've done a good job of that. But the playing field keeps changing. We're shooting at a moving target. I would guess it will be a matter of just another year or two before there will be another livestock waste bill in front of you. But my opening remarks will say that LB 975 proposes to amend the Livestock Waste Management Act in response to the 2005 2nd Circuit Court of Appeals decision regarding the U.S. Environmental Protection Agency's rule on concentrated animal feeding operation. And you'll hear the concentrated animal feeding operation, that's referred to as a CAFO. The decision vacated elements of the CAFO rule which the court determined were beyond the authority of the federal agency. The EPA is currently revising its rule to reflect the court action. The EPA is expected to release its new rule for public comment in the spring. The Nebraska Legislature adopted changes to the Livestock Waste Management Act, LB 916 in 2004, to coincide with the EPA's CAFO rule. LB 975 addresses a portion of the act which will allow the state more flexibility to meet the EPA's new program requirements. Specifically, LB 975 eliminates the requirement that all large animal feeding operations are required to apply for National Pollution Discharge Elimination Systems. We call that an NPDES permit. Instead, the legislation requires only those animal feeding operations which discharge to waters of the state to apply for an NPDES permit. LB 975 also creates a new construction and operating permit program for those operations which are not covered under the CAFO rule or are not exempt from Livestock Waste Management Act. LB 975 also addresses two other areas beyond the focus of the EPA's CAFO rule. First, LB 975 clarifies that no new animal feeding operation will be issued an NPDES permit or a construction and operating permit in any other part of any watershed that feeds directly or indirectly into a cold water class A stream. Secondly, LB 975 incorporates components of LB 293, introduced in 2005, which requires the Nebraska Department of Environmental Quality to send a copy of